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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: Brod, S.

FILED: April 21, 1997

SERIAL NO.: 08/844,731

FOR: Methods of Treating
Autoimmune Diseases Using
Type One Interferons§ ART UNIT:
§ 1761
§
§ EXAMINER:
§ Sayala, C.
§
§ DOCKET:
§ D5716CIP3

MS PETITION

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450RECEIVED
JUN 23 2003
OFFICE OF PETITIONS**TERMINAL DISCLAIMER TO OBVIATE A PROVISIONAL DOUBLE
PATENTING REJECTION OVER A PENDING SECOND APPLICATION**

The owner, Research Development Foundation, of 100 percent interest in the instant application, hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. Sections 154 to 156 and 173 as shortened by any terminal disclaimer filed prior to the grant of any patent granted on pending second Application U.S.S.N. 08/631,470, filed on April 12, 1997. The owner hereby agrees

that any patent so granted on the instant application shall be

enforceable only for and during such period that it and any patent granted on the second application are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of any patent granted on the second application, as shortened by any terminal disclaimer filed prior to the present grant, in the event that any such granted patent: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as shortened by any terminal disclaimer filed prior to its grant.


I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were

made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 or Title 18 of the United States code, and that such willful false statements may jeopardize the validity of the application or patent issued thereon.

Please debit the \$55 fee required under 37 CFR §1.20(d) and any additional fees that may be required from Deposit Account No. 07-1185 on which the undersigned is allowed to draw.

Respectfully submitted,

Date: June 17, 2003
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